

REMARKS

This amendment is in response to the non-final Office Action mailed March 31, 2009. Claims 1, 4, 6-9, 12 and 14 are presently pending.

In paragraphs 5-7 of the Office Action, claims 1, 3, 4, 6-9, 12 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over admitted prior art described in the background of the instant application itself, published as U.S. Patent Publication No. 2006/0182147 (Sanchez) in view of U.S. Patent Publication No. 2003/0003951 to Leprieur *et al.* (Leprieur), in further view of U.S. Patent No. 7,046,996 (Anderson). Applicant traverses.

Among the limitations of independent claim 1 which are neither disclosed nor suggested in the art of record is the step of “updating a value of the [time] offset T_{offset} on each change of the current cell and for each neighboring cell associated with the radio access technique of the passive module.” Among the limitations of independent claim 6 which are neither disclosed nor suggested in the art of record is the requirement for a “means for updating a value of the [time] offset T_{offset} on each change of the current cell and for each neighboring cell associated with the radio access technique of the passive module.” Among the limitations of independent claim 7 which are neither disclosed nor suggested in the art of record is the requirement that “a unit for calculating a time offset T_{offset} between start of a specific frame of a first operating mode and start of a specific frame of a second operating mode in a cellular telecommunication network, wherein said unit updates a value of the [time] offset T_{offset} on each change of the current cell and for each neighboring cell associated with the radio access technique of the passive module.”

On page 6, the Office Action admits that Sanchez and Leprieur “teach all the limitation in claim 1 except that the method, comprising a step of (c) updating a value of the offset T_{offset} on each change of the current cell and for each neighboring cell associated with the radio access technique of the passive module.” However, the Office Action claims that Sanchez and Leprieur allow one ordinarily skilled in the art to realize this step, but only cites the following paragraphs from Leprieur: [0005]-[0007], [0009], [0015] and [0040]. Applicant respectfully disagrees.

Leprieur fails to teach the missing limitation. Paragraphs [0005]-[0007] of Leprieur teach that, in multimode terminals, a passive mode receiver must make measurements as “often imposed by the standardization bodies that regulate existing and projected mobile radio services.” *Id.* Cited paragraph [0009] discloses that the passive mode receiver must “determine the time shift between two mobile radio modes in order to be able to switch from one to the other during a call, when in standby mode, or to carry out measurements.” *Id.* Cited paragraphs [0015] and [0040] disclose that a mobile terminal calculates the time shift between two modes. Other than as required by standards, Leprieur is silent concerning when the claimed time offset calculation is done, other than to state that it is done “to support regular measurement.” Leprieur, paragraph [0007]. Applicant therefore respectfully disagrees with the Office Action’s assertion that Leprieur discloses the claimed limitations, because Leprieur doesn’t disclose calculating the time offset of a passive mode *on* a change from a current cell to another, and further does not disclose measuring time offset for each neighboring cell when a handover occurred. Leprieur states that “[t]o set up a call, a mobile terminal must be associated with a based station *of the geographical area in which it is located.*” Leprieur, paragraph [0005] (emphasis added). In paragraphs [0005]-[0007], [0009], [0015], [0021], [0033] and [0038]-[0040], Leprieur only considers the time for the mode measured in the current cell servicing the mobile terminal. For these reasons, Leprieur fails to teach the missing limitation. Anderson fails to cure.

Anderson teaches updating a code book for encoding/decoding messages received by a mobile station, even when moving from a cell providing GSM service to a cell providing WCDMA UTMS service. Anderson, col. 6, ll. 11-15. Anderson discloses that the code book can specify the carrier frequencies, duplex spacing, “mode, such as frequency domain duplexing (FDD), time domain duplexing (TOD [sic – TDD]) etc., the relative timing and/or the code used (e.g. GMSK, code rate).” Anderson, col. 9, ll. 30-34. Updating the code book can be used “to indicate which neighbor cells to measure, for example *when the mobile station is in dedicated communication with the base station*, such as when initiating or receiving a call.” Anderson, col. 9, ll. 50-53 (emphasis added). Applicant therefore respectfully disagrees with the Office Action’s assertion that Anderson discloses the claimed limitation, because, like Leprieur, Anderson does not disclose calculating the time offset of a passive mode *on* a change from a current cell to

another, and further does not disclose measuring time offset for each neighboring cell *when a handover occurred*. Anderson doesn't disclose what is measured, but rather states that mobile stations are commanded "to monitor UMTS carriers for neighbor measurement reporting" when in a connected mode, not after a handover. Anderson, col. 10, ll. 5-8. Therefore, even if combined, the teachings of Sanchez, Leprieur and Anderson fail to disclose all the limitations of the independent claims. In the absence of any teaching or suggestion of these claimed features of the invention, independent claims 1, 6 and 7 are believed to be in condition for allowance.

Dependent claims 4, 8-9, 12 and 14 depend either directly or indirectly from independent claims 1 and 7, and incorporate all the limitations of the independent claims from which they depend. These dependent claims are allowable over the cited art for at least the same reasons discussed above. In addition, these dependent claims include additional limitation which, in combination with the limitations of the independent claims from which they depend, are further allowable.

In view of the above remarks, Applicant respectfully requests reconsideration and allowance of the pending application.

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Respectfully submitted,

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